

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Victor Evgenievich Zhitomirskiy
Appl No.: 10/598,053 Confirmation No.: 9605
Filed: August 16, 2006 Group Art Unit: 2862
For: POSITION SENSOR Examiner: Ledynh, Bot L.

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated April 7, 2009, in which the Examiner has required election between Species I, measurement path being linear, Species II, measurement path being circular, Species III, different measurement paths, Species IV, magnetic field generator generating a magnetic field having an axis at an angle (not perpendicular) to the film, and Species V, magnetic field generator generating a magnetic field having an axis. Applicant hereby provisionally elects with traverse to prosecute Species I, measurement path being linear. At least Claim 19 reads on the elected species, and at least Claims 1, 4, 22 and 25 are generic. Applicant expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Appl No.: 10/598,053
Response. dated 05/07/2009
Reply to Restriction Requirement of April 7, 2009

Respectfully submitted,

/Jason P. Cooper/

Jason P. Cooper
Registration No. 38,114

CUSTOMER NO. 00826

ALSTON & BIRD LLP

Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Atlanta Office (404) 881-7000
Fax Atlanta Office (404) 881-7777

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON MAY 7, 2009.